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9 Attorneys for Plaintiff

10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 SAN JOSE DIVISION
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E-FILED - 8/2/06

1 UNITED STATES OF AMERICA,)
 2 Plaintiff,)
 3 v.)
 4 THUY PHUOC DINH,)
 5 a/k/a Pierre Dinh,)
 6 Defendant.)
 _____)

No. CR 06-00195 RMW

[] ORDER EXCLUDING TIME
 FROM THE SPEEDY TRIAL ACT
 CALCULATION (18 U.S.C. §§ 3161(h)(8)(A)
 & 3161(h)(8)(B)(iv))

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 8 On July 17, 2006, the parties appeared before the Court for a status hearing. At that
 9 appearance, Assistant United States Attorney Susan Knight informed the Court that Anne Marie
 10 Tomassini, who represents the defendant, has requested to review the physical evidence in the
 11 case and the government would need time to obtain the evidence for such a review. The
 12 evidence is currently in the custody of the Drug Enforcement Administration in Philadelphia.
 13 The parties then requested that the case be continued to August 28, 2006. The parties also
 14 requested an exclusion of time under the Speedy Trial Act from July 17, 2006 until August 28,
 15 2006 in order for the government to obtain the evidence from the DEA in Philadelphia and to
 16 afford Ms. Tomassini adequate time to review it. The defendant, through Ms. Tomassini, agreed
 17 to the exclusion. The parties stipulated and agreed that an exclusion under the Speedy
 18 Trial Act was appropriate based on the defendant's need for effective preparation of counsel.

SO STIPULATED.

KEVIN V. RYAN
 United States Attorney

DATED: _____

/s/

 SUSAN KNIGHT
 Assistant United States Attorney

DATED: _____

/s/

 ANNE MARIE TOMASSINI
 Counsel for Mr. Pierre Dinh

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 26 Accordingly, the Court HEREBY ORDERS that the time between July 17, 2006 until
 27 August 28, 2006 is excluded under the Speedy Trial Act. The Court finds that the failure to grant
 28 the requested continuance would deny the defendant effective preparation of counsel. The Court

[] ORDER TO EXCLUDE TIME
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1 finds that the ends of justice served by granting the requested continuance outweigh the best
2 interest of the public and the defendant in a speedy trial and in the prompt disposition of criminal
3 cases. The Court therefore concludes that this exclusion of time should be made under 18 U.S.C.
4 §§ 3161(h)(8)(A) and 3161(h)(8)(B)(iv).

5 IT IS SO ORDERED.

6
7 8/2/06
8 Dated _____

/s/ Ronald M. Whyte
RONALD M. WHYTE
United States District Judge